IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 807 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KRISHNA KURUP

Versus

GENERAL MANAGER I O C

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Appearance:

1. Special Civil Application No. 807 of 1987

MR KG VAKHARIA with Ms. ARCHANA AMIN

for Petitioner No. 1

..... for Petitioner No. 2-5

MR RP BHATT for Respondent No. 1

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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 12/09/2002

ORAL JUDGEMENT

#. The petitioners have sought a direction on the respondents to confer the benefits of pay-scale and other

allowances such as dearness allowance etc. on them as were given to similarly situated departmental employees.

#. It has been brought on record in the affidavit-in-reply filed on behalf of the Respondent-Corporation that, the petitioners were the employees of an independent contractor who had his own work force for executing the contract. The workers were employed by that contractor, who paid their wages and they were amenable to the discipline of the contractor.

#. The Hon'ble Supreme Court of India in Nitin Kumar Nathalal Joshi and others V. Oil and Natural Gas Corporation Ltd. and others, reported in AIR 2002 SC 1444 has held that where there is no absorption by the principal employer,it cannot be said that the decision in the Steel Authroity of India Limited case cannot be applied.

#. In the present case, the petitioners were not absorbed by the Corporation and were not workers of the Corporation. Since they were employed by the contractor who had his own work force, they cannot seek any remedy against the respondents. Rule is therefore discharged with no order as to costs.

[R.K. ABICHANDANI, J.]
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